

Before the  
Administrative Hearing Commission  
State of Missouri



01868

0002319 JUN 11

RECEIVED

JUN 10 2005

MO. ATTORNEY GENERAL

STATE COMMITTEE OF PSYCHOLOGISTS, )

Petitioner, )

vs. )

No. 05-0890 PS

DEANNA PLEDGE, )

Respondent. )

CONSENT ORDER


The licensing authority filed a complaint. Section 621.045, RSMo 2000, gives us jurisdiction.

On June 7, 2005, the parties filed a "Joint Motion for Consent Order, Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee of Psychologists, and Consent Order With Joint Proposed Findings of Fact and Conclusions of Law." Our review of the document shows that the parties have stipulated to certain facts and waived their right to a hearing before us. Because the parties have agreed to these facts, we incorporate them into this order and adopt them as stipulated. *Buckner v. Buckner*, 912 S.W. 2d 65, 70 (Mo. App., W.D. 1995). We conclude that the licensee is subject to discipline under § 337.035.2(5), (13) and (15), RSMo 2000. We incorporate the parties' proposed findings of fact and conclusions of law into this Consent Order. We certify the record to the licensing agency under § 621.110, RSMo 2000.

The only issue before this Commission is whether the stipulated conduct constitutes cause to discipline the license. The appropriate disciplinary action is not within our power to decide; that is subject to the licensing authority's decision or the parties' agreement. Section 621.110, RSMo 2000.

No statute authorizes us to determine whether the agency has complied with the provisions of section 621.045.3, RSMo 2000. We have no power to superintend agency compliance with statutory procedures. *Missouri Health Facilities Review Comm. v. Administrative Hearing Comm'n*, 700 S.W. 2d 445, 450 (Mo. banc 1985). Therefore, we do not determine whether the agency complied with such procedures.

SO ORDERED on June 9, 2005.

  
KAREN A. WINN  
Commissioner

BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

**FILED**  
JUN 07 2005  
ADMINISTRATIVE HEARING  
COMMISSION

STATE COMMITTEE OF PSYCHOLOGISTS  
3605 Missouri Boulevard  
P.O. Box 1367  
Jefferson City, MO 65102

Petitioner,

v.

DEANNA PLEDGE  
2804 Forum Boulevard, Suite 4  
Columbia, MO 65203

Respondent.

No.

**JOINT MOTION FOR CONSENT ORDER, JOINT STIPULATION OF FACTS,  
WAIVER OF HEARINGS BEFORE THE ADMINISTRATIVE HEARING  
COMMISSION AND STATE COMMITTEE OF PSYCHOLOGISTS, AND  
CONSENT ORDER WITH JOINT PROPOSED FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (1 C.S.R. § 15-2.450(1)) and pursuant to the terms of § 536.060, RSMo, as made applicable to the Administrative Hearing Commission by § 621.135, RSMo, the parties waive the right to a hearing of the above-styled case before the Administrative Hearing Commission of the state of Missouri and, additionally, the right to a disciplinary hearing before the State Committee for Psychologists under § 621.110, RSMo, and jointly stipulate to the facts and consent to the imposition of disciplinary action against Respondent's psychologist license for violation of the statutes set forth below.

Respondent acknowledges that she has received a copy of the Complaint to be filed by the State Committee for Psychologists with the Administrative Hearing Commission and the parties submit to the jurisdiction of the Administrative Hearing Commission.

Respondent acknowledges that she is aware of the various rights and privileges afforded her by law, including the right to appear and be represented by counsel; the right to have a copy of the Complaint to be filed against her prior to the Administrative Hearing Commission entering its order; the right to have all charges against her proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against her; the right to present evidence on her own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the complaint pending against her; and the right to a ruling on questions of law by an administrative hearing commission. Being aware of these rights provided her by operation of law, Respondent Deanna Pledge knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee for Psychologists, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and agrees to abide by the terms of this document as they pertain to Respondent.

I.

Based upon the foregoing, Petitioner and Respondent jointly stipulate to the following and request that the Administrative Hearing Commission adopt as its own the Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee for Psychologists, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law as the Administrative Hearing Commission's Findings of Fact and Conclusions of Law:

**Joint Stipulation of Facts**

1. Petitioner, the State Committee of Psychologists ("Committee"), is an agency of the state of Missouri created and established by § 337.050, RSMo 2000, for the purpose of administering and enforcing the provisions of Chapter 337, RSMo, relating to psychologists.

2. Respondent, Deanna Pledge ("Pledge"), is licensed by the Committee as a psychologist, license No. PY01868.

3. Pledge's license is, and was at all times relevant herein, current and active.

4. At all times relevant herein, Pledge was employed as a psychologist at the Center for Family and Individual Counseling located at 2804 Forum Boulevard, Columbia, Missouri 65203.

5. During the period beginning on or about January 30, 2003 to September 8, 2003, Pledge provided psychological services to a client, "L.B."

6. At the commencement of the psychological services, L.B. was fifteen years of age.

7. On or about March 6, 2003 L.B. disclosed to Pledge that she had been raped by a friend's father while staying overnight when L.B. was 13 years old.

8. L.B.'s rape occurred in the state of Michigan where L.B. residing at the time.

9. Pledge did not file a report or cause a report to be made to the Missouri Division of Family Services regarding the rape of L.B.

10. Pledge failed to report L.B.'s rape to the appropriate child protection agency in Michigan.

11. Pledge's conduct alleged herein violated 4 C.S.R. 235-5.030(7)(C) of the "Ethical Rules of Conduct," which states in relevant part:

5. The psychologist shall be familiar with any relevant law concerning the reporting of abuse of children and vulnerable adults, and shall comply with the law.

12. Pledge's alleged conduct violated Section 210.115.1 and .7, RSMo 2000, which state in relevant part:

1. When any...mental health professional...has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect...that person shall immediately report or cause a report to be made to the division in accordance with the provisions of section 210.109 to 210.138.

....

7. If an individual...has reason to believe that the victim of such abuse or neglect is a resident of another state or was

injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri division of family services, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the Missouri division of family services.

### **Joint Conclusions of Law**

13. Cause exists to discipline Respondent's psychologist license pursuant to §337.035.2(5), (13) and (15), RSMo 2000, which states in relevant part:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

....

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

....

(13) Violation of any professional trust or confidence;

....

(15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as adopted by the committee and filed with the secretary of state.

### Joint Agreed Disciplinary Order

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Committee in this matter under the authority of § 621.045.3, RSMo 2000.

1. Licensee's license as a psychologist, License No. PY01868, is immediately placed on PROBATION for a period of one (1) year or until completion of the following terms and conditions:

#### I. REQUIREMENTS REGARDING CONTINUING EDUCATION

- A. Licensee must complete a professional education course on the topic of ethics approved by the State Committee of Psychologists. Such course must be taken in a department of psychology from a program accredited by the American Psychological Association ("APA") for graduate credit of no less than three (3) semester hours. The Licensee must obtain a grade of B or higher in the course. Reading courses, correspondence courses or independent study courses are unacceptable. Such courses must be completed within one (1) year of the effective date of this Settlement Agreement.
- B. Licensee must inform Licensee's employers, and all hospitals, institutions, and managed health care organizations with which licensee is affiliated, that Licensee's work as a professional psychologist is under probation by the State Committee of Psychologists. Licensee must obtain written verification that

each patient/client that Licensee treats, evaluates, or consults has been so informed.

## II. GENERAL REQUIREMENTS

- A. Licensee may not serve as a supervisor for any psychological trainee, psychological intern, psychological resident, psychological assistant, or any person undergoing supervision during the course of obtaining licensure as a psychologist, professional counselor, or social worker.
- B. Licensee must keep the State Committee of Psychologists apprised at all times, in writing, of Licensee's current home and work addresses and telephone numbers.
- C. Licensee is required to pay to the State Committee of Psychologists, in a timely fashion, all requisite fees required by law to renew and keep current Licensee's psychology license in Missouri.
- D. Licensee is required to comply with all provisions of Chapter 337, RSMo, the rules and regulations duly promulgated by the State Committee of Psychologists and state and federal criminal laws.
- E. Licensee must provide a report of Licensee's compliance with this agreement.
- F. At Licensee's expense, Licensee must agree to meet with the State Committee of Psychologists at reasonable intervals designated by the Committee.



2. The parties to this Joint Stipulation understand that the Committee will maintain this Joint Stipulation as an open and public record of the Committee as provided in Chapters 337, 610, and 620, RSMo.

3. Failure to comply with any of the terms of this Joint Stipulation shall be deemed a violation of the Joint Stipulation and shall be cause for further discipline.

4. Upon the Committee's determination that Licensee has failed to comply with the terms of this Joint Stipulation, it may revoke Licensee's license or may take such other or additional action against Licensee's license as it deems appropriate. No order shall be entered by the Committee pursuant to this paragraph without notice and an opportunity for hearing before the Committee in accordance with the provisions of Chapter 536. RSMo.

5. Upon the successful completion of the disciplinary period, Licensee's Missouri psychologist license shall be fully restored if all other requirements of the law have been satisfied.

6. If the Committee determines that Licensee has violated a term or condition of this Joint Stipulation, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the Committee may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Joint Stipulation in its determination of appropriate legal actions concerning that violation. If any alleged violation of this Joint Stipulation occurs during the disciplinary period, the Committee may choose to conduct a hearing before it either during the disciplinary period or as soon

thereafter as a hearing can be held to determine whether a violation has occurred and, if so, may impose further discipline. The Committee retains jurisdiction to hold a hearing to determine if a violation of this Joint Stipulation has occurred.

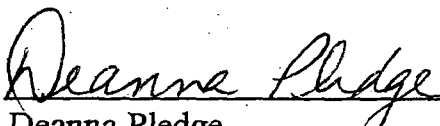
7. The terms of this Joint Stipulation are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Joint Stipulation nor any of its provisions may be changed, waived, discharged, or terminated, except by a written instrument signed by the party against whom enforcement of the change, waiver, discharge, or termination is sought.

8. Licensee hereby waives and releases the Committee, its members, and any of its employees, agents, or attorneys, including any former Committee members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 USC § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this Joint Stipulation, or from the negotiation or execution of this Joint Stipulation. The parties acknowledge that this paragraph is severable from the remaining portions of this Joint Stipulation in that it survives in perpetuity even in the event that any court of law deems it or any portion thereof void or unenforceable.

In consideration of the foregoing, the parties consent to the entry of record an approval of this Joint Motion for Consent Order, Joint Stipulation of Facts, Waiver of

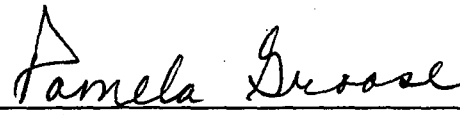
Hearings Before the Administrative Hearing Commission and State Committee for Psychologists, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and to the termination of any further proceedings before the Administrative Hearing Commission based upon the Complaint filed by the Committee in the above-styled action.

LICENSEE

  
Deanna Pledge

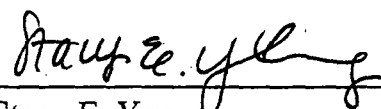
5-26-2005  
Date

STATE COMMITTEE

  
Pam Groose  
Executive Director  
State Committee of Psychologists

6-6-2005  
Date

JEREMIAH W. (JAY) NIXON  
Attorney General

  
Stacy E. Yeung  
Assistant Attorney General  
Missouri Bar No. 56354

7th Floor, Broadway Office Building  
221 West High Street  
P.O. Box 899  
Jefferson City, MO 65102  
Telephone: 573-751-5064  
Telefax: 573-751-5660

Attorney for Respondent

Attorneys for Petitioner